

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
AIKEN DIVISION**

Thaddeus Leon Devlin,	)	
	)	Civil Case No. 1:16-cv-00599-JMC
Petitioner,	)	
	)	
v.	)	<b>ORDER</b>
	)	
Greenwood Co. Detention Center,	)	
Cpt. Downing; Judge Bart McGuire; and	)	
J.P. Davis,	)	
	)	
Respondents.	)	
_____	)	

*Pro Se* Petitioner Thaddeus Leon Devlin (“Petitioner”), a pretrial detainee at the Greenwood County Detention Center in Greenwood, South Carolina, filed this Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 on February 24, 2016. Petitioner alleges that Respondents Greenwood Co. Detention Center, Cpt. Downing, Judge Bart McGuire, and J.P. Davis (“Respondents”) seized him without probable cause and he is now being detained without an arrest warrant. (ECF No. 1.) On December 12, 2015, Petitioner was arrested and charged with second degree domestic violence in state court. Petitioner requests that the court dismiss his pending criminal charge. *Id.* at 3.

The Magistrate Judge’s Report and Recommendation, filed on March 3, 2016, determined that while Petitioner may pursue his claims regarding his arrest in state court both during and after the disposition of his criminal charges, he fails to show that he has no adequate remedy at law or that he will suffer irreparable injury if denied his requested relief. (ECF No. 8 at 4). The Report and Recommendation sets forth in detail the relevant facts and legal standards on this matter, and the court incorporates the Magistrate Judge’s recommendation herein without a recitation.

The Magistrate Judge's Report and Recommendation is made in accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02 for the District of South Carolina. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with this court. *Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). The court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objections are made, and the court may accept, reject, or modify, in whole or in part, the Magistrate Judge's recommendation or recommit the matter with instructions. *See* 28 U.S.C. § 636(b)(1).

Petitioner was advised of his right to file objections to the Report and Recommendation (ECF No. 8 at 5.) However, Petitioner filed no objections to the Report and Recommendation. In the absence of objections to the Magistrate Judge's Report and Recommendation, this court is not required to provide an explanation for adopting the recommendation. *Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). Rather, "in the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must 'only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.'" *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee's note). Furthermore, failure to file specific written objections to the Report and Recommendation results in a party's waiver of the right to appeal from the judgment of the District Court based upon such recommendation. 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140 (1985); *Wright v. Collins*, 766 F.2d 841 (4th Cir. 1985); *United States v. Schronce*, 727 F.2d 91 (4th Cir. 1984).

After a thorough review of the Report and Recommendation and the record in this case, the court adopts the Magistrate Judge's Report and Recommendation and incorporates it herein.

(ECF No. 8.) It is therefore **ORDERED** that Petitioner's Complaint (ECF No. 1) is dismissed without prejudice and without requiring Respondent to file a return.

**IT IS SO ORDERED.**

A handwritten signature in black ink, reading "J. Michelle Childs". The signature is written in a cursive, flowing style.

United States District Judge

April 21, 2017  
Columbia, South Carolina